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Attorneys for Defendant  
CBR SYSTEMS, INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

AMY COHEN and KATHARINE  
VACCARELLA, on behalf of themselves and all  
others similarly situated,

Plaintiffs,

vs.

CBR SYSTEMS, INC., GI PARTNERS, and  
DOES 1-10,

Defendants.

Case No. 4:21-cv-06527-HSG

**STIPULATION AND [PROPOSED]  
ORDER REGARDING SECOND  
AMENDED COMPLAINT**

Hon. Haywood S. Gilliam, Jr.

**STIPULATION**

Plaintiffs Amy Cohen, Katharine Vaccarella, and Sirisha Koneru (collectively, “Plaintiffs”), and Defendants CBR Systems, Inc. (“CBR”) and GI Partners (“GI”; and together with CBR, “Defendants”), through their attorneys of record, hereby agree and stipulate as follows:

WHEREAS, Plaintiffs Cohen and Vaccarella filed an original putative class action complaint on August 24, 2021;

WHEREAS, Plaintiffs filed a first amended complaint (“FAC”) on October 7, 2021;

WHEREAS, Plaintiffs now intend to seek leave to file a second amended complaint (“SAC”);

WHEREAS, Defendants believe that Plaintiffs’ claims are subject to a binding arbitration agreement;

WHEREAS, Defendants and Plaintiffs agree that it will be most efficient for the parties and the Court to address the arbitrability of Plaintiffs’ claims as a threshold issue;

WHEREAS, Plaintiffs believe discovery may be required in order for them to oppose Defendants’ anticipated motions to compel arbitration; and

WHEREAS, the parties believe that the initial Case Management Conference currently set for November 23, 2021, would be premature in light of the current case status.

NOW, THEREFORE, it is stipulated and agreed between the parties that:

1. Defendants shall have no present obligation to respond to the FAC;
2. Plaintiffs shall seek leave to file an SAC by October 22, 2021;
3. Defendants shall file motions to compel arbitration (the “Motion”) in response to the operative complaint by November 5, 2021;
4. The parties shall promptly meet and confer on the scope of any discovery necessary for Plaintiffs to respond to the Motion and, by November 19, 2021, shall file either (a) a stipulation regarding the scope of any agreed discovery, or (b) a joint letter brief to the Court if such agreement cannot be reached;

Dated: October 13, 2021

By: /s/ Dianne L. Sweeney  
DIANNE L. SWEENEY

Dated: October 13, 2021

By: /s/ Casey B. Sypek  
CASEY B. SYPEK

4840-9318-0926

1 Dated: October 13, 2021

MILBERG COLEMAN BRYSON PHILLIPS  
GROSSMAN, PLLC

2  
3 /s/ Rachel L. Soffin  
By: RACHEL L. SOFFIN

4 Attorneys for Plaintiffs  
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14 **[PROPOSED] ORDER**

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17 SO ORDERED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2021.  
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HONORABLE HAYWOOD S. GILLIAM, JR.  
United States District Judge  
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**RULE 5-1(i)(3) ATTESTATION**

I, Dianne L. Sweeney, attest pursuant to Rule 5-1(i)(3) of the Local Rules of Practice in Civil Proceedings before the United States District Court for the Northern District of California that I have obtained the concurrence in the filing of this document from the other signatories.

Dated: October 13, 2021

PILLSBURY WINTHROP SHAW PITTMAN LLP

By: /s/ Dianne L. Sweeney  
DIANNE L. SWEENEY

Attorneys for Defendant CBR SYSTEMS, INC.